

United States District Court

Northern District of Texas

Dallas Division

NORTHERN DISTRICT OF TEXAS

FILED

JAN 28 2008

CLERK, U.S. DISTRICT COURT

By Deputy

UNITED STATES OF AMERICA

v.

Case Number 3:05-CR-202-P(03)

ALPHA TREATMENT CENTERS, INC.
d/b/a TEXAS DURABLE MEDICAL EQUIPMENT

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

The defendant organization, ALPHA TREATMENT CENTERS, INC. d/b/a TEXAS DURABLE MEDICAL EQUIPMENT, was represented by Joe Kendall, Esq.

On motion of the United States, the Court has dismissed the remaining Counts of the Indictment filed on August 2, 2005, as to this defendant only.

In an appearance before the U.S. Magistrate Judge, the defendant pleaded guilty to Count 1 of the 27-count Indictment filed on August 2, 2005. On October 17, 2006, the Court accepted and adopted the recommendation of the U.S. Magistrate Judge that the Court accept the plea of guilty. Accordingly, the Court accepts the Plea Agreement, and the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number</u>
18 USC §§ 1341 & 1347	Conspiracy to Commit Mail Fraud and Health Care Fraud	December 31, 2004	1

As pronounced on January 23, 2008, the defendant organization is sentenced as provided in pages 1 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant organization shall pay to the United States a special assessment of \$400 for Count 1, which shall be due immediately. Said special assessment shall be made to the Clerk, U.S. District Court.

It is further ordered that the defendant organization shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States attorney of any material change in the defendant's economic circumstances.

Signed this the 25th day of January 2008.



JORGE A. SOLIS

UNITED STATES DISTRICT JUDGE

Defendant: ALPHA TREATMENT CENTERS, INC.
d/b/a TEXAS DURABLE MEDICAL EQUIPMENT
Case Number: 3:05-CR-202-P(03)

Judgment--Page 2 of 4

PROBATION

The defendant organization is hereby placed on Probation for a term of **ONE (1) YEAR**.

The defendant organization shall not commit another federal, state, or local crime.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of Probation that the defendant organization pay any such fine or restitution that remains unpaid at the commencement of the term of Probation in accordance with the Fine and Restitution sheet of the judgment.

The defendant organization shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF PROBATION

- 1) The defendant organization shall within thirty days from the date of this judgment, designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer.
- 2) The defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 3) The defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address.
- 4) The defendant organization shall permit a probation officer to visit the organization at any of its operating business sites.
- 5) The defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization.
- 6) The defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees.
- 7) The defendant organization shall not waste, nor without permission of the probation officer, sell, assign or transfer its assets.

Defendant: ALPHA TREATMENT CENTERS, INC.
d/b/a TEXAS DURABLE MEDICAL EQUIPMENT
Case Number: 3:05-CR-202-P(03)

Judgment--Page 3 of 4

ADDITIONAL CONDITIONS OF PROBATION

While the defendant organization is on probation pursuant to this Judgment:

Pursuant to the Mandatory Victim Restitution Act of 1996, the defendant shall pay restitution in the amount of \$100,000, payable to the U.S. District Clerk, 1100 Commerce St., 14th Floor, Dallas, TX 75242, for disbursement to:

U.S. Postal Service, Dispersing Officer
Amount \$100,000
Finance No. 511088
Account No. 44030

If the restitution has not been paid in full within 30 days, the defendant shall make payments on such unpaid balance at the rate of at least \$35,000 per month until the restitution is paid in full. Further, it is ordered that interest on the unpaid balance is waived pursuant to 18 U.S.C. § 3612(f)(3).

The organization shall be required to notify the Court or probation officer immediately upon learning of any material adverse change in its business or financial condition or prospects, or the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.

The corporation shall submit to an audit of financial records as requested by the U.S. Probation Officer.

The organization shall make quarterly submissions to the Court or U.S. Probation Officer, reporting on the organization's financial condition and results of business operations, and accounting for the disposition of all funds received until such time as the organization's restitution has been paid in full.

Defendant: ALPHA TREATMENT CENTERS, INC.
d/b/a TEXAS DURABLE MEDICAL EQUIPMENT
Case Number: 3:05-CR-202-P(03)

Judgment--Page 4 of 4

RESTITUTION

The defendant shall make restitution immediately to the following persons in the following amounts:

Name of Payee

U.S. Postal Service, Dispersing Officer

Amount \$100,000

Finance No. 511088

Account No. 44030

Payments of restitution are to be made to the United States District Clerk.

The Court determines that the defendant does not have the ability to pay interest and therefore waives the interest requirement pursuant to 18 U.S.C. § 3612(f)(3).

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

If the restitution has not been paid in full within 30 days, the defendant shall make payments on such unpaid balance at the rate of at least \$35,000 per month until the restitution is paid in full.